

Applicant : Barry Appelman  
Serial No. : 09/873,272  
Filed : June 5, 2001  
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Attorney's Docket No.: 06975-054001 / Network 02

REMARKS

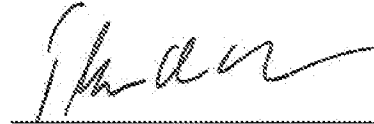
A request for continued examination ("RCE") is being filed in response to the adverse Petition Decision of January 17, 2007 and the Final Office Action of September 7, 2006. Applicant has enclosed a copy of the renewed petition along with a copy of the Decision on petition mailed on January 17, 2007.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

2/7/2007



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**JAN 17 2007**

**OFFICE OF PETITION**

In re Application of :  
Appelman :  
Application No. 09/873,272 : DECISION ON PETITION  
Filed: June 5, 2001 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 06975-054001/Network :  
02 :

This is a decision on the reconsideration petition under 37 CFR 1.78(a)(3), filed September 27, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the concurrently filed Application Data Sheet.

The petition is **DISMISSED**.

Any request for reconsideration should be submitted within two months of the mail date of this decision. No additional petition fee is required.

A final Office action was mailed in this application on September 7, 2006. The examiner of record has indicated that the proposed amendment to claim priority to the prior-filed applications raises new issues that would require further consideration and/or search.

**The submission of an RCE is a condition for acceptance of the late claim for priority under 37 CFR 1.78(a)(3) in this instance.** Please remember that time period for reply set in the September 7, 2006 final Office action continues to run.

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**By hand:**

U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petition  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

**By FAX:**

(571) 273-8300 - ATTN: Office of Petitions

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley  
Office of Petitions  
Office of Petitions